

REMARKS

This Amendment is responsive to the Office Action dated January 19, 2007. Claims 1-12 were pending in the application. In the Office Action, claims 1-12 were rejected. In this Amendment, claim 1 was amended. Claims 1-12 thus remain for consideration.

Applicant submits that claims 1-12 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Specification

MPEP 608.04 states: "In establishing a disclosure, applicant may rely not only on the specification and drawing as filed but also on the original claims if their content justifies it." MPEP 2163.06 states in part: "Information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Based on the foregoing, a component or part of a claimed device that is contained in the drawings may be added to the specification without introducing new matter.

Applicant has amended the specification to include information in FIG. 5 of the drawings, namely, "the channel 4 [h]aving a depth defined by the outermost circumference of the handle 1 and the midpoint of outer edge of the column 9, the depth being at least equal to the diameter of the midpoint of column 9."

Thus, no new matter was added.

§ 112 Rejection

Claims 1-12 were rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement.

Applicant has amended claim 1 a limitation that is supported by the specification and drawings (FIG. 5). Specifically, the depth of channel 4 is defined by the outermost circumference of handle 1 and base plate 2 and is located at the midpoint of connecting column 9.

This amendment satisfies § 112 first paragraph because a person skilled in the art would recognize that the written description, including the specification and drawings, of the invention provides support for the amended claim. Amended claim 1 is supported in the original disclosure by referring to FIG. 5, which shows the depth of channel 4, located at the midpoint of column 9. Based on the foregoing, the depth of the channel and details related thereto do not constitute new matter.

Claims 1-12 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The depth of the channel is clarified in claim 1 as a being located at the midpoint of channel 9 and defined by the outermost circumference of handle 1 and base plate 2.

In addition, applicant has amended claim 1 to incorporate suggestions made by this Examiner with respect to correcting insufficient antecedent bases for “outermost circumference of the handle” and “outer edge.”

§ 103 Rejection

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Graham et al. (USPN #4,455,705 (hereinafter Graham)) in view of Nortman et al. (USPN #6,276,032 (hereinafter Nortman)).

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hintz et al. (USPN #6,493,899 (hereinafter Hintz)) in view of Nortman.

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (US Patent Number 5,003,659) in view of Fay. (US Patent Number 2,676,758) in view of Nortman.

Claims 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Graham in view of Nortman and in further view of Garcia et al. (USPN #5419015 (hereinafter Garcia)) or Hintz et al. in view of Nortman and further view Garcia or Paepke in view of Fay and Nortman in further view of Garcia.

Applicant submits that the independent claim (claim 1) is patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz – taken either alone or in combination.

As stated above, Applicant has amended the specification to include (1) a handle 1 that has a bottom portion and an outermost circumference, (2) a column that has a diameter and an outer surface and (3) a channel 4 that has a depth defined by the outermost circumference of the handle 1 and the outer edge of the midpoint of column 9, the depth being at least equal to the diameter of the midpoint of column 9.

Applicant has also amended claim 1 to include a variation of the above limitations. Accordingly, Applicant believes that independent claim 1 is now patentable

over Graham, Nortman, Paepke , Fay, Garcia and Hintz.

Graham, Nortman, Paepke , Fay, Garcia and Hintz do not disclose a channel that has a depth defined by the outmost circumference of the handle and the outer edge of the column, wherein the depth is at least equal to the diameter of the column.

Since Graham, Paepke, Lacey, Kilburn, Garcia and Hortel do not disclose a channel that has a depth defined by the outmost circumference of the handle and the outer edge of the column, wherein the depth is at least equal to the diameter of the column, Applicant believes that independent claim 1 is patentable over Graham, Nortman, Paepke, Fay, Garcia and Hintz -- taken either alone or in combination -- on at least this basis.

Claims 2-12 depend on claim 1. Since claim 1 is believed to be patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz, claims 2-12 are believed to be patentable over Graham, Nortman, Paepke , Fay, Garcia and Hintz on the basis of their dependency on claim 1.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

CONCLUSION

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

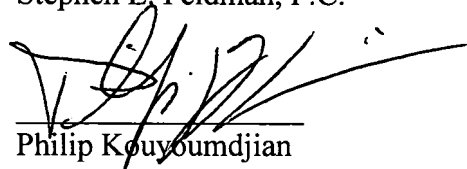
Enclosed is a check in the amount of \$905.00 for a three-month extension (\$510.00) and a request for continued examination (\$395.00).

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

The PTO did not receive the following
listed item(s) A check for \$905.00
but we got \$395.00

Respectfully submitted,
Stephen E. Feldman, P.C.

By:


Philip Kouyoumdjian
Reg. No. 56,397
(212) 532-8585